
Appeal Decision

Site visit made on 9 July 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/Z0116/W/19/3228533

Land adjoining 16 Broad Road, Kingswood, Bristol BS15 1HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jeff Gore of V&C (SW) Properties Ltd against the decision of Bristol City Council.
 - The application Ref 19/00924/F, dated 22 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed was originally described as "Conversion of an existing double garage to form a two storey dwelling with parking. Access, screening, landscaping and associated works".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address for the appeal property has been described inconsistently across the application form and appeal form. I have used the description on the appeal form as it is the most accurate description of the appeal property.
3. The reasons for refusal set out in the Council's decision notice reference Policy DM26 of the Site Allocations and Development Management Policies Local Plan twice. The officer's report makes conclusions that the proposal was contrary to both Policy DM26 and Policy DM27. Policy DM27 was subsequently submitted by the Council as evidence in support of their case. It is clear that the duplicate reference to Policy DM26 in the reasons for refusal is an error which should make reference to Policy DM27. This has been acknowledged by the appellant in their statement of case. Accordingly, my assessment has taken into consideration Policy DM27.

Main Issues

4. The main issues are the effect of the proposal on:
 - the living conditions of the occupiers of 16 Broad Road, with particular regard to a sense of enclosure and light;
 - the character and appearance of the surrounding area; and
 - highway safety, including the provision of off-street parking.

Reasons

Living conditions

5. The relationship between the appeal property and 16 Broad Road is closely linked. The appeal property and garage once formed part of No 16 but is now separated by a dividing boundary wall. This historical relationship explains the minimal separation distance between these buildings. The garage currently abuts the boundary wall dividing these properties, with the roofline and gutter overhanging within the property of No 16. A first floor window on the side elevation of No 16 looks out over the appeal property, and consequently concerns over a sense of enclosure and light have been raised.
6. Upon request by the occupier of No 16, I viewed the appeal property from their external area and within the dwelling itself. The first floor bedroom has a large side window facing the appeal property. The outlook from this window currently offers a sense of space, experiencing open views of the street scene along both Field Road and Broad Road. Consequently the appeal proposal would present a large blank wall in close proximity, which in combination with the proposed height would visually intrude into the first floor bedroom of No 16.
7. In my judgement the development would result in an unacceptable sense of enclosure, significantly harming the living conditions experienced in this room. Moreover, from looking around the surrounding area on my site visit I saw no other examples where the detached side elevation of two dwellings were located so closely together, with a large window as well. Other examples I noted had approximately double the separation distance than the appeal proposal would achieve, and any windows present were narrow or obscured with glazing or screening treatment.
8. A degree of overshadowing is likely to occur within the first floor bedroom of No 16 as a result of the proposal via the side window. However, this would be mitigated to an extent because this bedroom benefits from two other windows to the front and rear of the dwelling. As such I am satisfied that these two windows would provide adequate light such that it would not lead to an unacceptable level of harm to the living conditions of the occupiers.
9. I have also considered the concerns raised regarding the effect of the proposal on the privacy of external areas for both No 16 and 8 Field Road. The siting of the proposed dwelling, location of proposed windows, and separation distance to the external areas of neighbouring properties would ensure that no harmful overlooking would occur. Following my site visit, I am therefore satisfied that the proposal would not pose any significant harm to the external areas of either No 16 or 8 Field Road. Although considered acceptable on these points, neither conclusion on light and privacy outweigh the harm identified to the first floor bedroom at No 16.
10. Accordingly, the proposed development would harm the living conditions of No 16, with particular regard to a sense of enclosure. It therefore conflicts with Policy BCS21 of the Bristol Development Framework Core Strategy (BDFCS), and Policies DM29 of the Site Allocations and Development Management Policies (SADM) for the Bristol Local Plan (BLP). These policies seek, amongst other things, to safeguard the amenity of existing development through high quality building design.

Character and appearance

11. The surrounding area is characterised by a consistent pattern of two storey semi-detached and terraced dwellings, along both Broad Road and Field Road. The buildings along Broad Road specifically utilise similar building materials and finishes throughout the street scene. The eastern end of Broad Road transitions into a mix of commercial and industrial units, which sit separate from the predominant residential character which is evident surrounding the appeal property. The appellant has suggested that a detached commercial / industrial building towards the eastern end of Broad Road forms part of the residential pattern within the street, and argues that it justifies allowing a detached dwelling on the appeal property. I do not agree and it is my judgement that this other building marks a change and results in a distinctly separate character to the residential dwellings. As such it would not represent grounds for the proposal being acceptable.
12. During my visit to the appeal property I observed that the existing garage appeared out of keeping with the predominant character and appearance of surrounding residential development, by virtue of its height and detached form. It is clear that the garage formed an ancillary function for neighbouring property No 16 at some point. However, the building now appears isolated and non-conforming within the surrounding context since the physical and functional link between these buildings has been removed. Notwithstanding the detached nature, I find that the materials, height and mass of the proposal would to a degree replicate the existing semi-detached dwellings to the east. No views of note at the street level would be obscured by the proposal.
13. Accordingly, the proposal would be consistent with the character and appearance of the surrounding area. It would not conflict with Policies DM26 and DM27 of the SADMP for the BLP. These policies seek, amongst other things, to ensure that development upholds the principles of good urban design by positively contributing to an area's character, local distinctiveness, and achieves a successful arrangement and form of buildings.

Highway matters

14. Residential parking along both Broad Road and Field Road appear reliant upon on-street arrangements. The majority of dwellings do not have space for off-street parking, with the few that do generally having space for a single vehicle. The quantum of cars parked on the street reflected this and is therefore representative of a built-up area.
15. The Council have identified that the proposal would result in the loss of off-street car parking spaces, and would subsequently have a harmful effect upon highway safety. The application form submitted by the appellant indicates that there are three car parking spaces on the premises, and that two would be lost as a result of the development. The appellant's statement of case clarifies this, by stating that the garage was designed to accommodate two car spaces, and one on the driveway, however was never used as parking internally.
16. During my site visit I observed this to be the case, the finished floor level of the garage is higher than the finished ground level of the driveway, preventing any vehicles entering the garage. Further, I observed that the garage was being used as a workshop and for storage of related materials. As such the appeal property functionally only offers one off-street car parking space (on the

driveway) at present which would be retained according to the proposed plans. Appendix 2 to Policy DM23 of the SADMP specifies a maximum car parking provision of one space for a one bedroom dwelling. Consequently, the appeal proposal complies with the Council's adopted parking standards.

17. Policy DM23 of the SADMP also seeks to promote sustainable transport methods (i.e. walking, cycling, public transport) over traditional methods, as well as ensure parking spaces meet the relevant standards. The Council note in their delegated report that the appeal property represents a sustainable location for development as it is located in close walking distance of local facilities, a designated centre, and bus services. The appeal proposal has indicated that cycle parking would be provided in line with the objectives of this policy. As such the quantum of sustainable transport methods available would appropriately offset any perceived loss of off-street parking spaces and thereby comply with Policy DM23 of the SADMP.
18. A number of submissions made by interested parties raised broader safety concerns associated with the existing traffic conditions. At the time of my site visit, which I acknowledge may not reflect conditions at other times of the day, I saw that through traffic was forced to travel at slower speeds, either due to the number of cars parked on the street or to allow other cars to pass travelling in the opposite direction. Furthermore, at the time I noted that the parking occurring within the junction of Broad Road and Field Road was short-term with many temporarily parked service vehicles departing shortly after arrival.
19. Even if the traffic and highway safety concerns raised were as detrimental as described, no changes are proposed to the access arrangements for the appeal property and as such would have a neutral impact. Onsite parking has already been accommodated and is proposed to be retained under the proposal. No substantive evidence has been presented to me to demonstrate that this area is suffering from parking stress. As such, any incidental parking would not result in an impact so severe that it could justify a reason for refusal on highway safety.
20. Accordingly, the proposal would not unacceptably impact upon highway safety, including the provision of parking. It would not conflict with Policy DM23 of the SADMP for the BLP, which sets out the transport and traffic considerations that development proposals should address.

Other matters

21. The Sustainability Statement and supporting calculations submitted demonstrate that the proposed development seeks to achieve the sustainability objectives set out by the Bristol Local Plan. These measures are noted, however they do not overcome the identified harm and are therefore not considered sufficient grounds to allow the development.
22. The occupier of No 16 noted in their submission against the appeal that a restrictive covenant formed part of the original conditions of sale for the appeal property. As this is not a planning matter it is therefore outside the scope of this appeal. Any restrictive covenants would need to be addressed as a private legal matter if any relevant planning permissions were to be granted.

Conclusion

23. Overall, the harm the development would pose to the living conditions of 16 Broad Road cannot be outweighed by the conclusions reached on character and appearance, highway matters, nor the other matters discussed. For the reasons given above the appeal is dismissed.

J Gibson

INSPECTOR